

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO LIMITED ENGLISH PROFICIENCY (LEP) PLAN

I. LEGAL BASIS AND PURPOSE

This document serves as the plan for the Superior Court of California, County of San Bernardino (San Bernardino County Superior Court) to provide services to LEP individuals in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq; and 28 C.F.R. § 42 et seq. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the San Bernardino County Superior Court.

This LEP Plan was developed to ensure equal access to court services for persons with limited English proficiency and hearing impaired persons. Although deaf and hard of hearing individuals are covered under the Americans with Disabilities Act (ADA) rather than Title VI of the Civil Rights Act, they have been included in this plan insofar as they relate to the San Bernardino County Superior Court Interpreter Program.

II. NEEDS ASSESSMENT

A. Statewide

The State of California provides court services to a wide range of persons, including people who do not speak or understand English or who are hearing impaired. Service providers include the California Supreme Court, the Court of Appeals and trial courts in the 58 counties.

According to the Administrative Office of the Courts (AOC), Court Interpreter Data Collection System (CIDCS), which tracks court interpreter usage and information received from the California Department of Education, the most widely used languages for interpreters in Superior Courts in 2005 were (in descending order of frequency):

1. Spanish
2. Vietnamese
3. Arabic
4. Korean
5. Filipino (Tagalog)

B. San Bernardino County Superior Court

San Bernardino County Superior Court will make every effort to provide service to all LEP and hearing impaired persons. The following list shows the languages that are most frequently used in the County of San Bernardino:

1. Spanish
2. Vietnamese
3. Arabic
4. Korean
5. Filipino (Tagalog)

This information is based on the data collected from Administrative Office of the Courts, Court Interpreter Data Collection System (CIDCS), claims submitted by interpreting service providers and English Learner information provided by California Department of Education.

III. LANGUAGE ASSISTANCE RESOURCES

A. Interpreters Used in the Courtroom

By California statute, it is “the policy of this state that the constitutional rights of persons handicapped in communication cannot be fully protected unless qualified interpreters are available to assist them in legal proceedings.” A person “handicapped in communication” is one who, because of difficulty in speaking or comprehending the English language, is unable to fully understand the proceedings in which the person is required to participate, or when named as a party to a legal proceeding, is unable by reason of the deficiency to obtain due process of law.

In the San Bernardino County Superior Court, sign and spoken language interpreters will be provided at court expense to Court customers who are “handicapped in communication” under the following circumstances, based on availability:

California State law mandates interpreters be provided at no cost for the following proceedings:

- Interpreters will be provided at no cost for litigants and parties who need assistance when using family court services;
- Interpreters will be provided at no cost for litigants and witnesses in domestic violence and elder abuse hearings;
- Interpreters will be provided at no cost for litigants and witnesses during criminal hearings;
- Interpreters will be provided at no cost for litigants and witnesses during juvenile hearings;
- Interpreters will be provided at no cost for litigants and witnesses during child support hearings; and

For proceedings in which interpreters are not mandated:

- Payment for spoken language interpreters for litigants and witnesses in non-mandated cases will be determined based on criteria to be established.

1. Determining the Need for an Interpreter in the Courtroom

There are various ways that the San Bernardino County Superior Court will determine whether an LEP court customer needs an interpreter for a court hearing.

First, the LEP person may request the interpreter. The San Bernardino County Superior Court will display signs translated in the five of the most frequently used languages which state: “You may have the right to a court-appointed interpreter in a court case. Please check with the courtroom clerk.” The San Bernardino County Superior Court will display these signs at the following locations:

- At all court locations where hearings or court services are provided.

Second, the judge may determine that it is appropriate to provide an interpreter for a court hearing for those matters which interpreter services are non-mandated.

Many people who need an interpreter will not request one because they do not realize that interpreters are available, or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. The Court does not have funding to provide interpreters for non-mandated proceedings. However, the court can provide some assistance within existing funding restrictions and will endeavor to do so for non-mandated proceedings.

The Court's case management system interpreter flags will assist staff in making sure they know an interpreter is needed for the next hearing on a particular case.

2. Court Interpreter Qualifications

The San Bernardino County Superior Court hires interpreters for courtroom hearings in compliance with the rules and policies set forth by Government Code Section 6851 and California Rule of Court 984.2. The Judicial Council maintains a statewide roster of interpreters who may work in the courts. This roster is available to court staff on CourtNet.

When an interpreter coordinator has made a "due diligence" effort to find a certified court interpreter and none is available the interpreter coordinator then seeks a non-certified court interpreter from the statewide roster. Whenever a non-certified interpreter is used in the courtroom, judges must inquire into the interpreter's skills, professional experience, and potential conflicts of interest to qualify him/her.

A. Spoken Language Services Outside the Courtroom

The San Bernardino County Superior Court is also responsible for taking reasonable steps to provide meaningful access to LEP individuals to services outside the courtroom.

This is perhaps the most challenging situation facing court staff, because in most situations, they are charged with assisting LEP individuals without an interpreter. LEP individuals may come in contact with court personnel via the phone, counter or other means.

To that end, the San Bernardino County Superior Court has the following resources to help LEP individuals and court staff to communicate with each other.

- Bi-lingual employees are available to assist
- We will continue to expand our pool of bilingual employees by providing education/training, testing and certification
- Court Interpreters
- I Speak Cards

- Language Line services are available to provide assistance in the clerk's office and at the court's self help centers. Language line provides interpretation services in 170+ languages.

B. Translated Forms & Documents

The California courts understand the importance of translating forms and documents so that LEP individuals have greater access to the courts' services. The San Bernardino County Superior Court currently uses Judicial Council forms available via the Court's Website by hyperlink, translated into commonly used languages:

- These translated forms are available on the Courts Website for internal use, and available to the general public at:
<http://www.courtinfo.ca.gov>.

Interpreters at court hearings are expected to provide sight translations of court documents and correspondence associated with the case. Pursuant to Court Interpreter Memorandum of Understanding, "work shall include, but is not necessarily limited to, simultaneous or consecutive interpretation of court proceedings and programs and sight translation of court documents." (08/24/05)

IV. TRAINING

The San Bernardino County Superior Court will continue to be committed to providing LEP training opportunities for staff members. Training/learning opportunities currently provided by the San Bernardino County Superior Court will be expanded. Those opportunities include:

- Interpreter Coordinator Training
- Diversity Training
- LEP Plan Training (Proposal)
- Staff attendance in Spanish and American Sign Language is provided by the Court in partnership with local community colleges to offer these classes on site, free to the employees, on court time

V. PUBLIC NOTIFICATION AND EVALUATION OF LEP PLAN

A. LEP Plan Approval & Notification

The San Bernardino County Superior Court's LEP Plan is subject to approval by the Presiding Judge and Court Executive Officer. Upon approval a copy will be forwarded to the Administrative Office of the Courts (AOC). Any revisions to the plan will be submitted to the Presiding Judge and Court Executive Officer for approval and then forwarded to the Administrative Office of the Courts (AOC). In addition, San Bernardino County Superior Court will post this Plan on its website.

B. Annual Evaluation of the LEP Plan

The San Bernardino County Superior Court will conduct an annual, from the effective date of the plan, needs assessment to determine whether changes to the LEP Plan are required.

Each year the Court Support Services Manager, will coordinate with the Court's District Interpreter Liaison, to review the effectiveness of the LEP Plan. The evaluation will include identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include:

- Number of LEP persons requesting court interpreters in the San Bernardino County Superior Court;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Feedback from LEP communities within the County;
- Assessing whether staff members adequately understand LEP policies and procedures and how to carry them out.

C. Local Contact:

Alice L. Lopez, Director of Court Operations
Court's District Interpreter Liaison
172 W. Third Street, Second Floor
San Bernardino, CA 92415-0302

D. Effective date of this LEP plan is: _____

E. Approved by:

Larry W. Allen, Presiding Judge, _____

Tressa S. Kentner, Court Executive Officer, _____